



Scott Walker, Governor
Dave Ross, Secretary

MEDICAL EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
July 20, 2016

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

8:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A) Adoption of Agenda

B) Minutes of June 15, 2016 – Review and Approval

C) Administrative Updates

- 1) Department and Staff Updates
- 2) Board Members – Term Expiration Dates
 - a) Mary Jo Capodice – 07/01/2018
 - b) Michael Carton – 07/20/2020
 - c) Rodney Erickson – 07/01/2015 (*Reappointed, not yet confirmed*)
 - d) Bradley Kudick – 07/01/2020
 - e) Lee Ann Lau – 07/01/2020
 - f) Suresh Misra – 07/01/2015
 - g) Carolyn Ogland Vukich – 07/01/2017
 - h) Michael Phillips – 07/01/2017
 - i) David Roelke – 07/01/2017
 - j) Kenneth Simons – 07/01/2018
 - k) Timothy Westlake – 07/01/2016 (*Reappointed, not yet confirmed*)
 - l) Russel Yale – 07/01/2016 (*Reappointed, not yet confirmed*)
 - m) Robert Zondag – 07/01/2018
- 3) Introductions, Announcements and Recognition
- 4) Wis. Stat. § 15.085 (3)(b) – Affiliated Credentialing Boards' Biannual Meeting with the Medical Examining Board to Consider Matters of Joint Interest
- 5) Informational Items

D) Welcome New Members

E) Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments

- 1) Alternate Website Liaison
- 2) Alternate Monitoring Liaison
- 3) Alternate PDMP Liaison
- 4) Disciplinary Guidelines Committee

F) Legislation and Rule Matters – Discussion and Consideration

- 1) Guidelines Regarding Best Practices in Prescribing Controlled Substances
 - a) Report from Dr. Westlake on the July 13, 2016 Meeting of the Controlled Substances Board

- b) Review of Opioid Prescribing Guideline Outline
- 2) Review of Draft Rule Language for Med 13 Relating to Continuing Medical Education for Prescribing Opioids
- 3) Proposals for Med 1 Relating to General Update and Cleanup of Rules
 - a) Criteria the Board May Use to Determine if an Applicant is Required to Take an Oral Examination
 - b) Passing Grade for the Oral Examination
- 4) Update on Podiatry Rules
 - a) Pod 1, 4, and 8 Relating to Informed Consent
 - b) Pod 2 Relating to Overtreatment of Patients
- 5) Update on Pending Legislation and Possible and Pending Rulemaking Projects

G) Report From the Telemedicine Rule Committee

- 1) Wall Street Journal Article – “How Telemedicine is Transforming Health Care”

H) Interstate Medical Licensure Compact Commission – Report from Wisconsin’s Commissioners

I) Federation of State Medical Boards (FSMB) Matters

- 1) New Position Statements and Policy on Issues Impacting the Regulation of Medical Practice in the United States

J) Speaking Engagement(s), Travel, or Public Relation Request(s), and Report(s)

- 1) Citizen Advocacy Center 2016 Annual Meeting on September 17-18, 2016 in Portland, Oregon – Consider Attendance

K) Screening Panel Report

L) Consideration of Credentialing Delegated Authority

M) Medical Examining Board – Division of Legal Services and Compliance Annual Report – Board Review and Approval

N) Newsletter Matters

O) Informational Items

P) Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Administrative Updates
- 3) Elections, Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
- 4) Education and Examination Matters
- 5) Credentialing Matters
- 6) Practice Matters
- 7) Future Agenda Items
- 8) Legislation/Administrative Rule Matters
- 9) Liaison Report(s)
- 10) Newsletter Matters
- 11) Annual Report Matters
- 12) Informational Item(s)
- 13) Disciplinary Matters
- 14) Presentations of Petition(s) for Summary Suspension
- 15) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 16) Presentation of Proposed Decisions
- 17) Presentation of Interim Order(s)
- 18) Petitions for Re-Hearing
- 19) Petitions for Assessments
- 20) Petitions to Vacate Order(s)
- 21) Petitions for Designation of Hearing Examiner
- 22) Requests for Disciplinary Proceeding Presentations
- 23) Motions
- 24) Petitions
- 25) Appearances from Requests Received or Renewed

26) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports

Q) Future Agenda Items

R) Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 448.02 (8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

S) APPEARANCE – DLSC Attorney Yolanda McGowan and Attorney Jason Franckowiak on Behalf of Lorriane Ash, D.O. – Review of Administrative Warning WARN00000512/DLSC Case Number 15 MED 171

T) Full Board Review

1) Application of Frank Miller, M.D.

U) Petition for Examination in DLSC Case No. 14 MED 581, Nanette J. Liegeois, M.D.

V) Deliberation on Division of Legal Services and Compliance (DLSC) Matters

1) Monitoring

2) Complaints

a) 14 MED 302 – D.J.H.

3) Administrative Warnings

a) 14 MED 358 – A.C.P.

b) 15 MED 462 – J.B.V.

c) 16 MED 101 – D.F.S.

4) Proposed Stipulations, Final Decisions and Orders

a) 15 MED 316 – Erik T. Branstetter, D.O.

b) 15 MED 452 – Emmanuel Fantone, M.D.

5) Case Closings

a) 14 MED 244

b) 15 MED 300

c) 15 MED 304

d) 15 MED 380

e) 15 MED 450

f) 15 MED 459

g) 15 MED 465

h) 15 MED 468

i) 16 MED 034

j) 16 MED 067

k) 16 MED 153

l) 16 MED 183

W) Proposed Final Decision and Order in the Matter of Disciplinary Proceedings Against Michel H. Malek, M.D., Respondent, DHA Case No. SPS-16-0022/DLSC Case No. 15 MED 278

X) Open Cases

Y) Consulting With Legal Counsel

1) PLANNED PARENTHOOD OF WISCONSIN, INC., et al., Plaintiffs-appellees, v. BRAD D. SCHIMEL, Attorney General of Wisconsin, et al., Defendants-Appellants

Z) Deliberation of Items Added After Preparation of the Agenda

1) Education and Examination Matters

2) Credentialing Matters

- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Complaints
- 12) Case Closings
- 13) Case Status Report
- 14) Petition(s) for Extension of Time
- 15) Proposed Interim Orders
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- AA) Open Session Items Noticed Above not Completed in the Initial Open Session
- BB) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- CC) Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

ORAL EXAMINATION OF THREE (3) CANDIDATES FOR LICENSURE

ROOM 124D/E

10:30 A.M., OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING

CLOSED SESSION – Reviewing Applications and Conducting Oral Examinations of three (3) Candidates for Licensure – Dr. Erickson & Dr. Westlake

NEXT MEETING DATE AUGUST 17, 2016

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 1400 East Washington Avenue, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.